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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

In the Matter of	)	
	)	
Review of the Commission's Regulations Governing Television Broadcasting	)	MM Docket No. 91-221
	)	
Television Satellite Stations Review of Policy and Rules	)	MM Docket No. 87-8

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To: The Commission

PETITION FOR RECONSIDERATION

ARIES TELECOMMUNICATION CORPORATION

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Summary

Aries Telecommunication Corporation ("Aries") urges the Commission to modify its new local television ownership rules to permit the transfer of smaller market television duopolies where it can be demonstrated that common ownership of the stations is in the public interest or that the separate sale of the stations would result in an artificially depressed price. As was demonstrated by commenters in the instant rule making proceeding, smaller markets currently are highly concentrated and are typically dominated by one or two long-established VHF stations. Yet, because they contain fewer stations, smaller markets require that the stations in these markets achieve greater market shares than stations in larger markets in order to reach the revenue levels necessary for survival. By entering into local marketing agreements ("LMAs"), many struggling stations in these markets have been able to take advantage of cost savings and economies of scale associated with combined operation to develop local news and other programming and to become effective marketplace competitors. In recognition of this fact, the Commission's new rules permit the common ownership of two stations in a small market if at least one of the stations is failing, failed, or remains unbuilt.

Nevertheless, the rules prohibit the transfer of these duopolies unless at least one of the stations continues to be failing, failed or unbuilt at the time of the proposed sale. As a practical matter, few if any duopolies will be able to meet this test since, by virtue of the duopoly, the stations will have achieved efficiencies and cost savings enabling them to appear competitive. By making it virtually impossible to transfer these duopolies even where the parties can demonstrate that common ownership would continue to serve the public interest, the Commission incurs the risk that previously troubled stations will revert to their prior poor performance once they are operated independently, discourages investment in and rehabilitation of struggling stations, and

penalizes operators who do invest in these stations by preventing them from obtaining a fair return upon the sale of the stations. Thus, Aries urges the Commission to reconsider its decision and to more broadly permit the transfer of smaller market duopolies.

Aries also urges the Commission to eliminate the eight voice/top four ranked station rule because it is arbitrary and capricious and unsupported by the evidence in this proceeding in that the Commission never explained why eight independently owned stations provide an optimal level of diversity nor did it adequately explain its failure to count cable and other media as voices in the market.

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To: The Commission

PETITION FOR RECONSIDERATION

Aries Telecommunication Corporation ("Aries"), by its attorneys and pursuant to Section 1.429 of the Commission's rules, hereby petitions for reconsideration of the Commission's *Report and Order* in the above-captioned matter, released August 6, 1999 (the "*Local TV Ownership Report and Order*"). Aries urges the Commission to modify its new local television ownership rules to permit the transfer of smaller market television duopolies where it can be demonstrated that common ownership is in the public interest or that the separate sale of the stations would result in an artificially depressed price. In Aries' view, permitting transfers of duopolies in smaller markets will not only stimulate investment in struggling stations in these markets, thereby resulting in improved and additional programming, the construction of new stations, and increased competition, but will also promote the maintenance of these benefits by ensuring the ongoing, uninterrupted operation of previously struggling stations that have been combined. Moreover, Aries urges the Commission to eliminate the eight voice/top four ranked station rule as it is arbitrary and capricious and unsupported by the evidence in this proceeding.

Aries is the licensee of television broadcast station WGBA(TV), Channel 26, Green Bay, Wisconsin, as well as the time broker of television broadcast station WACY(TV), Channel 32, Appleton, Wisconsin, licensed to Ace TV, Inc. ("Ace"). Though they have primary service obligations to different cities of license, both stations are located in the Green Bay-Appleton DMA, the 69th ranked television market. As the licensee of one television station and the broker of another television station in the same market, Aries is directly affected by the rules adopted in the *Local TV Ownership Report and Order* and, accordingly, has standing to file the instant Petition. *See* 47 C.F.R. § 1.429(a).

Background

Aries and Ace initially entered into a Television Affiliation Agreement ("LMA") on June 7, 1993, following Ace's acquisition of WACY out of bankruptcy.[1] At the time, WACY (then WXGZ) had been off the air for more than a year, and the LMA played a crucial role in permitting the station to resume broadcasting. WGBA's history had likewise been financially rocky, with Aries having acquired the station in 1991 out of its second bankruptcy.[2] Moreover, WACY and WGBA, two struggling UHF stations whose futures were in doubt, had to compete in a market dominated by three longstanding VHF stations. The LMA enabled the stations to achieve substantial cost savings through shared operations. These savings in turn permitted WGBA to develop local news programming and, over time, provided WACY, a UPN affiliate, with the resources to create locally produced and originated programs and otherwise enhance its programming.

1/ *See* Exhibit A.

2/ *Id.*

Specifically, after becoming an NBC affiliate in 1995, WGBA was able to invest a substantial amount of money in developing a local newscast to complement the network's national news programming. WGBA now broadcasts almost 20 hours per week of locally produced news programming that had previously been unavailable in the market, including a one-hour local news program each weekday morning at 6 a.m., three half-hour nightly newscasts each weekday at 4:30 p.m., 5:00 p.m., and 6:00 p.m., a daily half-hour newscast at 10:00 p.m., a half-hour newscast on Saturday at 6:00 p.m., and a live 35 minute, weekday weather program. This local programming was made possible, in part, by the synergies achieved through joint operation with WACY.

Likewise, the LMA enabled WACY to enhance its service to the Green Bay-Appleton market. The station was able to begin locally producing and airing live local sports such as the "UPN 32 High School Football Showdown" and a weekly, sports highlight program. In addition, the station has carried the state high school basketball championships, and the University of Wisconsin-Green Bay and Badger basketball games as well as taped highlights of high school wrestling and hockey championships. This live local sports programming has never before been available on free over-the-air television in the Green Bay market. WACY was also able to begin broadcasting locally produced news and special interest programming such as "Land of the Rising Sons," a one-hour documentary chronicling the Appleton Boychoir's trip to Appleton's sister city Kanonji, Japan; "Perspective," a weekly public affairs program featuring topics of special interest and concern to Appleton and the northeast Wisconsin area; and regularly scheduled news updates and weather reports during early evening and prime time as well as special severe weather bulletins and weather alert crawls.

Moreover, WACY has been able to broadcast a substantial amount of high-quality children's programs, last quarter averaging 10.5 hours of core children's programming each week, an amount more than triple the required number. In addition to its core children's programming commitments, WACY broadcasts numerous educational and informational announcements produced exclusively for the station by WGBA reporters and anchors under the banners "Wacky Words of Wisdom" and "Wacky Reading Time." These announcements address such topics as reading time, bicycle safety, healthy bones, brushing your teeth, the planets, crosswalk safety, fire safety, nutrition, seatbelt safety, and the importance of being honest.

WACY has also aired numerous public service programs and announcements such as "Support for the Arts," the 1998 governor's awards in support of the arts, "Teachers are Tops," a program featuring and rewarding outstanding educators in Northeastern Wisconsin, and programs for teenagers addressing race relations, sex, drugs and alcohol, and has sponsored or participated in numerous community events including the Kids Fishing Derby, the Fox Cities Marathon, the American Heart Association's Heart Walk, the Fox Cities Business Expo, the Titletown Challenge Celebrity Race, and the Shawano County Fair. None of these local programs or sponsorship and participation in community events would have been possible without WACY's partnership with WGBA. Indeed, without taking advantages of the efficiencies generated by the LMA relationship, WACY may well have been unable to return to the air and certainly would not have been able to develop the local programming made possible by the LMA.

Discussion

I. The Commission Should Permit the Transfer of Smaller Market Television Duopolies in Certain Circumstances

In the *Local TV Ownership Report and Order*, the Commission modified the television duopoly rule to permit common ownership of two stations in the same local market where eight independently owned and operating television stations will remain in the market post-merger, and at least one of the stations is not among the top four ranked stations based on audience share.[3] The Commission recognized exceptions to this so-called "eight voice/top four ranked station" standard where at least one of the stations is failed, failing, or remains unbuilt.[4] The Commission adopted these exceptions in smaller markets because it recognized that such troubled stations can benefit from the efficiency gains and cost savings associated with joint ownership, thereby becoming effective market competitors, without diminishing diversity and competition.[5] Nevertheless, the Commission prohibited such commonly owned stations from being sold together unless the duopoly meets one of the three waiver criteria at the time of the proposed sale. In arriving at this decision, the Commission ignored the fact that, once created, smaller market duopolies will never again be able to meet the waiver criteria, and thus, will never be able to be sold together. As set forth in detail below, this decision does not foster the Commission's primary duty to advance the public interest.[6] The restriction on the transfer of smaller market duopolies will impair the recognized public interest benefits of small market LMAs, including the fostering of diversity and competition. In addition, this prohibition will discourage investment in troubled and struggling stations and, in many cases, penalize operators who do invest in such stations by preventing them from obtaining a fair return upon sale of the stations.

In the *Local TV Ownership Report and Order*, the Commission never responds to the comments of certain participants in this proceeding which demonstrated that duopolies may be particularly beneficial in smaller markets by allowing the combination of non-dominant stations,

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3/ *Report and Order* at ¶ 64.

4/ *Id.* at ¶ 86.

5/ *See id.* at ¶¶ 36, 70-87.

6/ *See Gottfried v. FCC,* 655 F.2d 297 (D.C. Cir. 1981), *rev'd in part sub nom. Community Television of Southern California v. Gottfried,* 459 U.S. 498 (1983).

thereby making such stations competitive with larger, more established facilities.[7] While the concrete instances in which joint operation has promoted the public interest, as in the case of the WGBA/WACY partnership, have been ignored, the record lacks any support for the Commission's presumption that smaller market duopolies will undermine diversity by taking stations from independent operators who could operate them at a profit. The Commission's findings in a rule making proceeding must have a basis in the record.[8] As the determination here lacks any such basis, it should be reconsidered and small market duopolies more broadly permitted.

A. The Commission Should Permit the Transfer of Smaller Market Television Duopolies Where Such Transfer Would Serve the Public Interest

The Commission should permit the transfer of smaller market television duopolies that benefit the public interest. As the Commission recognized, smaller markets benefit from the efficiency gains and cost savings associated with joint ownership.[9] Where stations can demonstrate that joint operation has allowed them to achieve public interest benefits such as expanded local and children's educational and informational programming, news and public affairs programs, and the provision of additional services to the community that would not be possible if the stations were required to operate independently, the Commission should permit the transfer of the duopoly.

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[7] *See* Comments of Pegasus Communications Corporation dated February 10, 1997 at 13-16, "Local Marketing Agreements and the Public Interest" at 3, attached as Exhibit A to Reply Comments of the Association of Local Television Stations dated March 21, 1997. Together, these stations achieve a market share approaching that of the VHF stations in the market. Separately, the stations rank fourth and a very distant fifth, respectively.

[8] *See Illinois Public Telecommunications Ass'n v. FCC*, 117 F.3d 555, 563-64 (D.C. Cir. 1997), *clarified*, 123 F.3d 693, *cert. denied*, 523 U.S. 1046 (1998).

[9] *Id.* at ¶ 70.

Though the Commission purports to permit the transfer of smaller market duopolies where the combined operation meets one of the waiver criteria at the time of sale, as a practical matter, this test can never be met. The in-market buyer of a struggling or unbuilt station seeks to acquire that station because it sees an opportunity to take advantage of the efficiencies inherent in joint ownership to make the troubled station competitive. The prospective buyer may use the cost savings generated through joint ownership to develop a local newscast or other local programming, to upgrade the troubled station's facilities, or to implement other changes that help the station better serve its viewers. Thus, it is highly unlikely that the station will remain unprofitable or unbuilt after the acquisition. By making it virtually impossible to transfer a smaller market duopoly, the Commission discourages such investment in and rehabilitation of smaller market stations that are unable to compete effectively, thereby virtually guaranteeing that benefits inherent in small market duopolies -- the activation of new channels or rehabilitation of failing stations into real marketplace competitors -- will not occur.[10/]

By permitting duopolies in smaller markets where one of the stations is failing, failed, or unbuilt, the Commission presumes that the combination will serve the public interest. In the case of WGBA and WACY, as in the case of most smaller market duopolies whose programming performance was placed into the record in this proceeding, this presumption has been fully justified. Nevertheless, the Commission prohibits the transfer of such duopolies even where the parties can demonstrate that common ownership would continue to serve the public interest. To run the risk that previously troubled stations will revert to their prior poor performance when

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10/ WGBA and WACY together have a combined market revenue share approaching that of the three VHF stations in the market. On its own, WACY is a distant fifth in the market, in both revenues and ratings. *See* footnotes 12 and 13, *infra*. Only as a combination do these two UHF stations operate as an equal marketplace competitor with the local VHF stations.

operated independently without a demonstrable basis in the record for determining that the continued joint operation would somehow be injurious to the public interest, is arbitrary. Therefore, this decision must be reconsidered.

B. The Commission Should Permit the Transfer of Smaller Market Television Duopolies Where the Seller Demonstrates an Inability to Earn a Fair Return on its Investment Through a Sale to Separate Parties

The Commission also should permit the transfer of a smaller market television duopoly where the seller demonstrates that sale of the stations separately would yield an artificially depressed price. Prohibiting the transfer of smaller market duopolies that have resulted in the rescue of a struggling or dark station or the construction of a new station will not only discourage investment in such troubled stations but will, in many cases, penalize operators who do invest in these stations by preventing them from obtaining a fair return upon sale of the stations.

WGBA and WACY are a case in point. Prior to entering into the LMA, both stations had been through bankruptcy and were financially vulnerable. WACY was dark, and without the LMA would not have been financially viable. Thus, the stations may be combined under common ownership pursuant to the failed station waiver standard adopted in the Commission's *Local TV Ownership Report and Order*. After more than five years of joint operation, however, the joint operation is now successful. Accordingly, assuming that neither station suffers a significant financial reversal, any sale of the stations would have to be to separate owners who also could not enter into an LMA. Any such sale, however, would result in an artificially depressed price based not on the sale of two profitable stations, but on one marginally competitive facility and one financially questionable operation.[11/] It is the cooperative relationship between the stations that

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11/ It is not merely that the separate sale of the stations would generate a lower price than the duopoly, since this would almost always be the case, but that the separate sale would (continued...)

has allowed WACY, and to a lesser extent WGBA, both UHF stations owned by local "mom and pop" companies that hold interests in no other broadcast facilities, to become competitive in a market dominated by three VHF stations that have been serving the market since the 1950s and that are operated by large group owners that together account for more than 80% of the market's revenues.[12/] Should the stations be required to operate singly, WGBA would be significantly less profitable, and WACY would at best be a passive repeater, retransmitting programming from some distant network with little or no local origination.[13/] It is only by operating jointly with WGBA that WACY can avoid financial troubles, as it still commands a market audience and revenue share of less than 4%. Thus, any attempt to sell the stations independently would result in a substantially discounted price. Moreover, the most likely candidates to express interest in the purchase of either station independently would be large group owners rather than a small, local stand-alone operator since the group owner could absorb the financial losses of a stand-alone WACY and take advantage of efficiencies engendered by operation of a large group of stations nationally. Thus, the requirement to sell such stations independently is antithetical to the Commission's goal of encouraging local broadcast ownership diversity.

As the Commission recognized, where a smaller market station is failing, has failed, or remains unbuilt, permitting joint ownership with a stronger station in the market can result in

11/ (...continued)
result in a price for one or both stations that is substantially discounted from each station's current performance.

12/ *See* BIA's Investing in Television 1998, 4th ed. The only other commercial station in the market is WIWB(TV), Suring, Wisconsin, Channel 14, which, though also operated by a large group owner, is a WB affiliate that began operations in 1984 as a religious station and only commenced commercial broadcasting in the last year.

13/ In 1997, WACY earned just 3.7% of market revenues, while WGBA, an NBC affiliate, earned 15.7%. *See* BIA's Investing in Television 1998, 4th ed.

additional and improved programming, increased diversity, and more advertising time available for sale in larger quantities, thereby benefitting the public interest.[14] By prohibiting the transfer of such duopolies, however, the Commission incorrectly presumes that once the troubled station has been built or has become at least marginally successful, it can remain financially profitable on its own. Instead, stripped of its relationship with a stronger station with more resources, the weaker station will be required to drastically scale back its operations, eliminating public affairs, news and other local programming in order to have any chance of remaining financially viable. In such cases, the Commission should permit the transfer of the duopoly.

Accordingly, the Commission should permit the transfer intact of a smaller market duopoly where the owner of the stations can demonstrate that the sale of the stations separately would result in an artificially depressed or substantially discounted price for one or both of the stations.

II. The Commission Should Permit the Transfer of Smaller Market Duopolies Converted from Grandfathered LMAs Until 2004

Consistent with its treatment of grandfathered LMAs, the Commission should permit smaller market duopolies converted from LMAs entered into prior to November 5, 1996 to be transferred through 2004. In addressing this issue, the Commission stated:

> Whether LMA holders obtain a duopoly outright or permanent grandfathering relief for arrangements that do not comply with our new TV duopoly rule and waiver policies, such relief will not be extended to any transfers subsequent to 2004; any transfer of permanently grandfathered arrangements after that time must meet our duopoly or waiver policies in effect at the time of transfer.[15]

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[14] *Local TV Ownership Report and Order* at ¶¶ 73, 79, 85.

[15] *Id.* at ¶ 147.

This statement, though ambiguous and seemingly in conflict with Commission statements made elsewhere in the document,[16] would seem to imply that parties to grandfathered LMAs who form a duopoly pursuant to the Commission's waiver policies may transfer such duopolies through 2004. The Commission should clarify that such duopolies may be so transferred. To do otherwise, would make an arbitrary and capricious distinction between grandfathered LMAs and duopolies.

In the *Local TV Ownership Report and Order*, the Commission acknowledged the equities of grandfathering LMAs entered into prior to November 5, 1996, the date on which the Commission first gave notice that it intended to attribute television LMAs in certain circumstances.[17] As the Commission recognized, the parties to these LMAs entered into the arrangements when there was no rule or policy prohibiting them and made substantial investments in the arrangements with the expectation that they could be renewed or transferred.[18] Thus, the Commission permitted the renewal and transfer of these LMAs even though they do not comply with the existing rules. There is no rational basis for treating grandfathered LMAs that are converted to duopolies pursuant to the waiver policies any differently. In making same-market television LMAs attributable, the Commission determined that such LMAs permit a degree of influence and control by the brokering station over the programming and operations of the brokered station that warrants ownership attribution.[19] Thus, the Commission determined that

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16/ *See id* at ¶¶ 77, 81, 86 requiring that duopolies formed as a result of the small market waiver standards meet the new duopoly rule or a waiver criterion at the time of transfer.

17/ *See Second Further Notice of Proposed Rule Making*, 11 FCC Rcd 21655, 21694.

18/ *Local TV Ownership Report and Order* at ¶¶ 143-47.

19/ *Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests*, MM Docket No. 94-150, FCC 99-207, released August 6, 1999, ¶¶ (continued...)

there is no cognizable difference between ownership and time brokerage of a television station for purposes of its ownership limits. Likewise, all joint operating arrangements that existed prior to November 5, 1996, whether they remain LMAs or are converted to duopolies, should be treated similarly.

III. The Eight Voice/Top Four Ranked Station Standard is Arbitrary and Capricious

The Commission's eight voice/top four ranked station standard is arbitrary and capricious because the Commission offered no explanation for its choice of eight voices as an acceptable level of market diversity and unreasonably counted only television stations as market competitors.[20] The Commission offered the following rationale for its choice of eight stations as making up a diverse market:

> The 'eight independent voice' component of the rule provides a clear benchmark for ensuring a minimum amount of diversity in a market. The Commission has historically used voice count tests in other contexts . . . as a means of promoting diversity. Taking into account current marketplace conditions, the eight voice standard we adopt today strikes what we believe to be an appropriate balance between permitting stations to take advantage of the efficiencies of television duopolies while at the same time ensuring a robust level of diversity.[21]

But this rationale is no explanation at all. While the Commission indicates that it seeks to "ensure a sufficient number of independently owned outlets to attempt to maximize the available independent viewpoints in a given local market,"[22] it never explains why eight independently owned stations provide an optimal level of diversity and never links its chosen optimal number

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19/ (...continued)
83-89.

20/ *See Office of Communication of the United Church of Christ v. FCC,* 779 F.2d 702 (D.C. Cir. 1985) (failure to adequately explain rejection of alternative proposal to illustrative issues/programs list deemed arbitrary and capricious).

21/ *Local TV Ownership Report and Order* at ¶ 67.

22/ *Id.* at ¶ 24.

with the achievement of its goal of maximization of viewpoint diversity. Moreover, while the Commission rejects the premise that commonly owned outlets can produce diverse viewpoints equally as well as separately owned outlets, it offers no empirical evidence of its belief. On the other hand, commenters in this proceeding introduced evidence demonstrating that in-market LMA'd stations typically are affiliated with different networks and carry different programming.[23/] Thus, not only are the Commission's findings without a basis in the record of this proceeding, but the link that the Commission seeks to make between diversity of ownership and viewpoint diversity is tenuous.[24/]

Likewise, the Commission did not adequately explain its failure to count cable and other media as voices in the market. The Commission offered two reasons for its decision to exclude other media: (1) its belief that broadcast television, more so than any other media, has a special, pervasive impact in American society; and (2) its inability to reach a definitive conclusion as to the extent to which other media serve as readily available substitutes for broadcast television.[25/] This determination ignores the realities of the marketplace for video programming. The Commission has justified its television broadcast ownership limitations as promoting diversity and competition. By either measure, other media, especially cable, clearly compete with broadcast television and provide diversity. More than 60% of television households rely on cable for their television

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23/ For example, the WB Network is known for its edgy, young adult and minority oriented programming. WB affiliates cannot change this viewpoint. Similarly, ABC, CBS, NBC and FOX network affiliates cannot control the programming or viewpoints expressed in the network news.

24/ *See Illinois Public Telecommunications Ass'n v. FCC,* 117 F.3d 555, 564 (D.C. Cir. 1997), *clarified,* 123 F.3d 693, *cert. denied,* 523 U.S. 1046 (1998) ("The FCC's *ipse dixit* conclusion, coupled with its failure to respond to contrary arguments resting on solid data, epitomizes arbitrary and capricious decisionmaking.")

25/ *Local TV Ownership Report and Order* at ¶ 68-69.

service, with cable penetration in some markets reaching as high as 80% or even 90%.[26] These cable subscribers receive not only cable channels but also broadcast stations via the cable delivery system. In recognition of viewers' and broadcasters' heavy reliance on cable carriage, Congress and the Commission have adopted rules protecting and guaranteeing such carriage including the must carry, network nonduplication and syndicated program exclusivity rules.[27] In contrast, television stations often do not reach as many homes in a market as does cable. In the Green Bay market, for instance, three of the seven television stations in the market have a net weekly circulation (meaning that they are watched for at least five minutes in any given week) of far less than 60%, and WGBA has a circulation of only 64%, the cable penetration in the Green Bay metro market. Thus, the Commission is saying that a video provider in 60% of households everyday, everytime the television is operated is not as important as a station, such as the new WB affiliate in Green Bay, that has a circulation of just 16% and that is watched for perhaps five minutes a week in one-quarter of the number of homes.[28] This decision is arbitrary and cannot be justified.[29] Thus, it must be reconsidered and reversed.

26/ *See Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 633 (1994) ("*Turner I*"); *Broadcasting & Cable Yearbook 1999* at C-2 - C-5. In the Green Bay DMA, 60% of the homes have cable, while 65% of the homes in the Green Bay metro market have cable.

27/ See, e.g., Cable Television Consumer Protection and Competition Act of 1992, §§ 4-5, 47 U.S.C.A §§ 534-535 (West Supp. 1999), 47 C.F.R. §§ 76.56, 76.92, 76.151 (1998).

28/ According to the July 1999 Nielsen ratings for Green Bay, there are 384,860 households in the DMA. The household circulation of the market stations are as follows: WPNE, 122,000; WLUK, 302,000; WGBA, 245,000; WACY, 115,000; WBAY, 298,000; WFRV, 300,000; and WIWB, 61,000.

29/ The Commission counts cable as one voice for purposes of its radio-television cross ownership analysis. Aries disagrees with this disparate treatment of cable as a voice. If cable is a voice for purposes of the radio-television cross cross ownership rule, then surely it should be a voice for purposes of analyzing the competitive marketplace in video programming.

Conclusion

For the reasons set forth above, Aries respectfully requests that the Commission modify its new local television ownership rules to permit owners of duopolies in smaller markets to transfer those duopolies where it can be demonstrated that common ownership is in the public interest or that the separate sale of the stations would result in an artificially depressed price and reconsider the eight voice/top four ranked station rule.

Respectfully submitted,

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